

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON AGRICULTURE**

**Call to Order:** By Chairman Edward B. Butcher, on February 13,  
2007 at 3:00 P.M., in Room 472 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Edward B. Butcher, Chairman (R)  
Rep. Carol Lambert, Vice Chairman (R)  
Rep. Jonathan Windy Boy, Vice Chairman (D)  
Rep. Shannon Augare (D)  
Rep. Scott Boggio (R)  
Rep. Mary Caferro (D)  
Rep. Julie French (D)  
Rep. Teresa K. Henry (D)  
Rep. Llew Jones (R)  
Rep. Mike Jopek (D)  
Rep. Jim Keane (D)  
Rep. Krayton Kerns (R)  
Rep. Bruce Malcolm (R)  
Rep. Scott Mendenhall (R)  
Rep. Diane Rice (R)  
Rep. John (Jack) W. Ross (R)  
Rep. Dan Villa (D)

**Members Excused:** Rep. Ralph Heinert

**Members Absent:** None

**Staff Present:** Dee Barfknecht, Committee Secretary  
Krista Lee Evans, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing:	HB 503, HB 537, HB 569
Executive Action:	HB 391, HB 47, HB 503
	HB 569, HB 396, HB 493
	HB 432, HJ 17

**HEARING ON HB 503**

**Opening Statement by Sponsor:**

00:01:33 Rep. Dave Gallik (D), HD 79, opened the hearing on HB 503, Make permanent certification of euthanasia technicians.

**Proponents' Testimony:**

00:02:26 Stuart Doggett, Montana Veterinary Medical Association  
00:04:09 Dave Pauley, Montana Animal Care Association  
00:05:34 Richard Stockdale, Director, Flathead Animal Control

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:06:43 Rep. Gallik

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**HEARING ON HB 569**

**Opening Statement by Sponsor:**

00:07:46 Rep. Diane Rice (R), HD 71, opened the hearing on HB 569, Generally revise nursery laws.

**EXHIBIT**(agh32a01)

**Proponents' Testimony:**

00:09:42 Chris Wagner, Past President of the Montana Landscape Association

**Opponents' Testimony:** None

**Informational Testimony:**

00:11:58 Greg Ames, Administrator, Department Of Agriculture

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:12:42 Rep. Rice

**HEARING ON HB 537**

**Opening Statement by Sponsor:**

00:14:00 Rep. Rick Ripley (R), HD 17, opened the hearing on HB 537, Revise state hail insurance laws.

**Proponents' Testimony:**

00:15:53 William Roehm, Vice President Montana Grain Growers Association

00:17:42 Charles Crane, Grain Farmer

[EXHIBIT \(agh32a02\)](#)

00:20:01 Rodney Cole, Wheat & Barley Farmer

[EXHIBIT \(agh32a03\)](#)

00:22:38 Nancy Schlepp, Montana Farm Bureau

00:22:57 Gary Gollehon, Dryland Farmer

00:26:56 Jack Gunderson, Retired Farmer, Retired Legislator

**Opponents' Testimony:**

00:28:09 Barry Newmack, State Rain and Hail Insurance Company

00:36:47 John Mcintosh, Wheat Growers Farm Insurance Company

00:38:14 Roger McGlenn, Executive Director of the Independent Insurance Companies

00:41:54 Greg VanHorssen, State Farm Insurance Company

**Informational Testimony:**

00:43:49 Lee Boyer, Department of Agriculture

00:44:08 Mari Kindberg, State Auditor's Office

**Questions from Committee Members and Responses:**

00:45:19 Rep. French

00:46:51 Mr. Boyer

00:46:55 Rep. French

00:47:25 Mr. Boyer

00:47:47 Rep. French

00:47:59 Mr. Boyer

00:48:08 Rep. Lambert

00:49:00 Rep. Ripley

00:49:29 Rep. Windy Boy

00:50:12 Mr. Boyer

00:50:54 Rep. Ross  
00:51:15 Mr. McGlenn  
00:51:35 Ms. Kindberg  
00:52:04 Rep. Ross  
00:52:22 Ms. Kindberg  
00:52:27 Rep. Ross  
00:52:30 Ms. Kindberg  
00:52:43 Rep. Mendenhall  
00:53:05 Mr. Newmack  
00:54:11 Rep. Mendenhall  
00:54:26 Mr. Newmack  
00:54:38 Rep. Mendenhall  
00:55:00 Mr. Newmack  
00:56:09 Rep. Mendenhall  
00:56:48 Mr. Roehm  
00:57:11 Rep. Mendenhall  
00:57:32 Mr. Roehm  
00:57:53 Rep. Rice  
00:58:26 Mr. Newmack  
00:59:27 Rep. Rice  
00:59:57 Mr. Newmack  
01:00:03 Rep. Rice  
01:00:15 Mr. Newmack  
01:01:02 Rep. Keane  
01:01:35 Mr. Boyer  
01:01:47 Rep. Keane  
01:02:07 Mr. VanHorsen  
01:02:24 Rep. Keane  
01:02:39 Mr. VanHorsen  
01:03:01 Rep. Keane  
01:03:06 Mr. VanHorsen  
01:03:23 Chairman Butcher  
01:03:52 Mr. Boyer  
01:04:10 Chairman Butcher  
01:04:30 Mr. Boyer  
01:04:55 Chairman Butcher  
01:05:01 Mr. Boyer  
01:05:33 Chairman Butcher  
01:06:10 Mr. Gunderson  
01:07:03 Chairman Butcher

**Closing by Sponsor:**

01:07:15 Rep. Ripley

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**EXECUTIVE ACTION ON HB 391**

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01:09:58 **Motion:** Rep. Windy Boy moved that **HB 391 PASS.**

01:10:37 **Motion:** Rep. Windy Boy moved that **HB 391 BE AMENDED.**  
**EXHIBIT (agh32a04)**

**Discussion:**

01:11:07 Krista Evans  
01:12:29 Rep. Windy Boy  
01:12:46 Ms. Evans  
01:12:59 Rep. Henry  
01:13:47 Rep. Lambert  
01:14:36 Ms. Evans  
01:15:00 Rep. Lambert  
01:15:11 Ms. Evans  
01:15:20 Chairman Butcher  
01:15:25 Rep. Henry  
01:15:52 Chairman Butcher  
01:16:14 Ms. Evans  
01:16:34 Rep. Caferro  
01:17:22 Chairman Butcher  
01:17:32 Ms. Evans

01:18:17 **Vote:** Motion that **HB 391 BE AMENDED** carried by roll call vote, 15-3. Reps. Ross, Boggio and Butcher voted no. Reps. Heinert, Mendenhall and Jopek voted by proxy.

01:19:50 **Motion:** Rep. Rice moved that **HB 391 DO PASS AS AMENDED.**

**Discussion:**

01:19:55 Rep. Rice  
01:20:34 Rep. Henry  
01:20:43 Rep. Rice  
01:21:04 Rep. Henry  
01:21:13 Rep. Caferro  
01:21:51 Rep. Rice  
01:22:06 Rep. Ross  
01:22:27 Rep. Jones  
01:22:47 Chairman Butcher  
01:23:40 Ms. Evans  
01:23:45 Rep. Jones

01:24:10 **Vote:** Motion that **HB 391 DO PASS AS AMENDED** failed by roll call vote 8-10. Reps. Windy Boy, Augare, Keane, Caferro, French, Henry, Villa and Jopek voted aye. Reps. Heinert and Jopek voted by proxy.

01:25:24 **Motion/Vote:** Rep. Lambert moved that **HB 391 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by those present and voting, 16-0 by voice vote.

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**EXECUTIVE ACTION ON HB 47**

01:25:35 **Motion:** Rep. Ross moved to **RECONSIDER THE MOTION on HB 47**. (HB 47 previously Tabled on 01/26/07)

01:26:28 **Vote:** Motion that **HB 47 BE RECONSIDERED**, failed by by roll call vote, 6-10. Reps. Windy Boy, Ross, Keane, Caferro, Henry and Villa voted aye.

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**EXECUTIVE ACTION ON HB 503**

01:28:48 **Motion/Vote:** Rep. Keane moved that **HB 503 DO PASS**. The motion carried by voice vote 17-1. Rep. Mendenhall voted no. Reps. Heinert and Jopek voted by proxy.

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**EXECUTIVE ACTION ON HB 569**

01:30:11 **Motion:** Rep. Rice moved that **HB 569 DO PASS**.

01:30:19 **Motion:** Rep. Rice moved that **HB 569 BE AMENDED**.

**Discussion:**

01:30:33 Rep. Rice

01:31:25 **Vote:** Motion that **HB 569 BE AMENDED** carried unanimously by voice vote 18-0. Rep. Heinert and Jopek voted by proxy.

01:31:56 **Motion/Vote:** Rep. Rice moved that **HB 569 DO PASS AS AMENDED**. The motion carried unanimously by voice vote, 18-0. Reps. Heinert and Jopek voted by proxy.

**EXECUTIVE ACTION ON HB 396**

01:32:39 **Motion:** Rep. Windy Boy moved that **HB 396 DO PASS.**

**Discussion:**

01:33:46 Rep. Malcolm  
01:34:03 Rep. Henry  
01:34:56 Chairman Butcher  
01:35:25 Rep. Henry  
01:36:13 Rep. Windy Boy  
01:36:44 Rep. Boggio

01:36:26 Rep. Windy Boy withdrew his motion.

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**EXECUTIVE ACTION ON HJ 17**

01:37:59 **Motion:** Rep. Windy Boy moved that **HJ 17 BE ADOPTED.**

01:38:35 **Motion:** Rep. Windy Boy moved that **HJ 17 BE AMENDED.**  
**EXHIBIT** (agh32a05)

**Discussion:**

01:39:14 Rep. Windy Boy  
01:39:19 Rep. Rice  
01:40:09 Rep. Villa  
01:40:21 Rep. Rice  
01:40:48 Ms. Evans  
01:40:51 Rep. Rice

01:41:05 **Vote:** Motion that **HJ 17 BE AMENDED** carried by voice vote, 12-6. Reps. Rice, Lambert, Ross, Kerns, Heinert and Butcher voted no. Reps. Heinert and Jopek voted by proxy.

01:41:46 **Motion:** Rep. Windy Boy moved that **HJ 17 BE ADOPTED AS AMENDED.**

**Discussion:**

01:42:20 Rep. Boggio  
01:42:47 Chairman Butcher

01:43:16 **Vote:** Motion that **HJ 17 BE ADOPTED AS AMENDED** carried by roll call vote 14-4. Reps. Ross, Kerns, Boggio and Mendenhall voted no. Reps. Heinert and Jopek voted by proxy.

**EXECUTIVE ACTION ON HB 493**

01:45:41 **Motion:** Rep. Villa moved that **HB 493 DO PASS.**

01:46:28 **Motion/Vote:** Rep. Mendenhall moved that **HB 493 BE TABLED.** Motion carried by roll call vote, 15-3. Reps. Caferro, Henry and Jopek voted no. Reps. Heinert and Jopek voted by proxy.

**EXECUTIVE ACTION ON HB 432**

01:48:55 **Motion:** Rep. Rice moved that **HB 432 DO PASS.**

01:49:01 **Motion:** Rep. Villa moved that **HB 432 BE AMENDED.**  
**EXHIBIT (agh32a06)**

**Discussion:**

01:49:23 Ms. Evans  
01:50:18 Rep. French  
01:50:35 Rep. Mendenhall  
01:51:30 Rep. Ross  
01:51:38 Rep. Villa

01:51:44 **Vote:** Motion that **HB 432 BE AMENDED**, failed by voice vote 4-14. Reps. Villa, French, Henry and Jopek voted aye. Reps. Heinert and Jopek voted by proxy.

**Discussion:**

01:52:40 Rep. French  
01:53:07 Chairman Butcher  
01:53:13 Rep. French  
01:53:28 Chairman Butcher

01:55:18 **Motion/Vote:** Rep. Lambert moved that **HB 432 BE TABLED.** Motion carried by roll call vote 14-4. Reps. Windy Boy Caferro, French and Henry voted no. Reps. Heinert and Jopek voted by proxy.

**Additional Exhibits:**

Document Pertaining to HB 537, Hearing 02/13/07

**[EXHIBIT](#)**(agh32a07)

Document Pertaining to HB 537, Hearing 02/13/07

**[EXHIBIT](#)**(agh32a08)

**ADJOURNMENT**

01:57:36 Adjournment

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REP. EDWARD B. BUTCHER, Chairman

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DEE BARFKNECHT, Secretary

EB/db

Additional Exhibits:

**EXHIBIT ([agh32aad.pdf](#))**